

REMARKS

Objections to the Specification

Applicant in this response submits a substitute specification — including a clean version and a version showing the changes — to add application heading, which overcomes the objection in the pending office action.

Rejection of the Claims

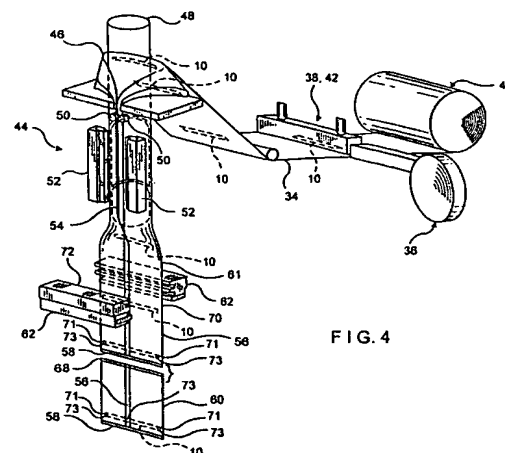
Independent claims 1, 10, and 22 and several dependent claims have been rejected as obvious based on United States Patent Number 6,212,857 (Van Erden). Claims 3 – 5, 8 – 9, 11 – 17, and 19 – 20 have been acknowledged to contain patentable subject matter and have been objected to.

In this response, Applicant amends independent claims 1 and 10, cancels claim 22, and adds new claims 24 and 25. Applicant submits that independent claims 1 and 10 are allowable because, *inter alia*, Van Erden neither teaches nor suggests securing the zipper strip profiles after forming the end-sealed bags.

Rather, Van Erden discloses processing thermoplastic film into tubes that then “are completed by the action of the cross seal jaws 62, which perform six simultaneous or nearly simultaneous functions.” (Van Erden, column 4, lines 25 – 31). Van Erden explains that cross seal jaws 62 seal the zipper flanges (part of assembly 10) to the film wall in the same action as sealing the bottom of the bag (as well as spot sealing sides of the bag and forming notches), and make the top seal and cut the film into separate bags:

the cross seal jaws 62 seal the portions of the zipper flanges 22, 26 between the perforations 30 and the interlocking members 20, 24 to the front and back walls 64, 66 of the bag 61 without sealing the flanges to each other. The flanges may be coated with a heat activated adhesive to prevent the flanges from sealing to each other. Second, the cross seal jaws 62 seal the bottom of the bag 61 to form a pilfer evident lower seal 58. The connected zipper flanges 22, 26 extend into the pilfer evident seal. Third, the sides 70, 72 of the package 61 are spot sealed 71 and notched 73 in-line with the perforations 30 on the zipper flanges 22, 26. The longitudinal back seal may also be notched in-line with the perforations 30 as well.

With respect to the instant bag 56, the cross seal jaws



62 then make the top seal 68 and cut the bag 56 from the thermoplastic film [sic] 34.
(Van Erden, column 4, lines 32 – 48)

In contrast to the teachings of Van Erden, Applicant's claim 1 recites the steps of "forming *end-sealed bags* at the bag-forming station, . . . and *after the step of forming the end-sealed bags*, treating the bags adjacent the respective zipper strip profiles in order to secure the profiles to the first and second walls respectively and to form an openable and reclosable seal inside the bags." Moreover, claim 1 states "each bag having . . . first and second end seals" as part of the "forming" step. This requirement of claim 1 (that is, that its "treating" step "to secure the [zipper strip] profiles to the first and second walls" of the bag occurs *after* the step of "forming end-sealed bags") patentably distinguishes claim 1 from Van Erden, which discloses that the steps of sealing the zippers to the film and forming end seals on the bags are "simultaneous or nearly simultaneous," as explained above.

Independent claim 10 is also patentably distinguishable from Van Erden, as claim 10 recites "means for treating the bags adjacent the respective zipper strip profiles, *located after the bag-forming station*, to secure the profiles to the first and second walls." For the reasons described above, Van Erden neither teaches nor suggests, *inter alia*, this limitation.

Claims 1 and 10 are amended to recite that the treating step occurs "after the step of forming the end-sealed bags" and that the means for treating the bags is "located after the bag-forming station" to clarify the meaning of as-filed claims without narrowing the scope of any limitation of claim 1 or claim 10.

Because all other pending claims directly or indirectly depend from either claim 1 or claim 10, Applicant submits that all claims are in condition for allowance.

DOCKET NO.: THOM-0041 (RA/P303346US)

Application No.: 10/523,482


Office Action dated: October 17, 2006

PATENT

CONCLUSION

Applicant submits that the pending claims are in condition for allowance and request favorable reconsideration of the pending rejections. If the examiner determines that a telephone conference would further the prosecution of this case, he is invited to telephone the undersigned at his convenience.

Respectfully submitted,



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Date: January 17, 2007

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